

COASTAL CONSERVANCY

Staff Recommendation

March 17, 2011

LAGUNA COAST ACQUISITION DOMANSKIS PROPERTY

Project No. 11-009-01

Project Manager: Deborah Ruddock

RECOMMENDED ACTION: Authorization to disburse up to \$706,000 to the City of Laguna Beach for acquisition of the 7.8-acre Domanskis property adjacent to the Aliso and Wood Canyons Wilderness Park for open space, public access, and habitat preservation.

LOCATION: City of Laguna Beach, County of Orange

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Site Photos](#)

Exhibit 3: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400-31409 of the Public Resources Code, regarding public access to the coast:

“The State Coastal Conservancy hereby authorizes the disbursement of seven hundred thousand dollars (\$700,000) to the City of Laguna Beach (“City”) for acquisition in fee of the 7.8-acre Domanskis property, County of Orange Assessor’s Parcel Nos. 056-231-20, -21, -22 and -23; and up to \$6,000 for estimated closing costs for the transaction, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition of the property, the City shall submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including without limitation, an appraisal, purchase agreement, escrow instructions, environmental assessment, and title report.
 - b. Evidence that sufficient funds are available to complete the acquisition.
 - c. Evidence of commitment by the County of Orange to manage the property as part of the

Aliso and Wood Canyons Wilderness Park for public access and for wildlife habitat.

2. The City shall pay no more than fair market value for the property, as established in appraisal approved by the Executive Officer.
3. The City shall permanently dedicate the property for open space, public access and habitat preservation, through an appropriate instrument approved by the Executive Officer.
4. The City shall acknowledge Conservancy and Proposition 12 funding by erecting and maintaining on the property signs, the design and location of which have been approved by the Executive Officer.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31409) with respect to public access. The proposed acquisition will preserve a link in a trail network providing access along the Laguna Coast and to the coast from inland areas, as well as provide scenic coastal views.
3. The proposed project would serve a greater-than-local need.”

PROJECT SUMMARY:

The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (“Proposition 12”) allocates \$12,500,000 to the Coastal Conservancy to “acquire land needed to connect important coastal watershed and scenic areas in the Laguna Coast Wilderness Park”. (Public Resources Code § 5096.352(g)) A 2004 re-appropriation permitted the Conservancy to use these funds, subject to Division 21 of the Public Resources Code, “to undertake projects for the South Coast Wilderness System of coastal canyons and watersheds in South Orange County, including, but not limited to, properties in Laguna Coast Wilderness Park and Aliso and Woods Canyon Wilderness Park” (Exhibit 1).

Since the passage of Proposition 12, the non-profit Laguna Canyon Foundation (Foundation), the City of Laguna Beach (City), and the County of Orange (County) have been working together and with the Conservancy, the public, and other major conservation organizations to identify, prioritize and complete these projects. To date, almost \$10 million of Proposition 12 funds have been used to purchase ten properties totaling 253 acres of open space for expansion of the Laguna Coast Wilderness Park (LCWP).

The South Coast Wilderness (SCW) is a 20,000-acre urban oasis embracing the Laguna Coast Wilderness Park (LCWP), the Aliso and Wood Canyons Wilderness Park (AWCP), and Crystal Cove State Park. The regional system of coastal canyons, parks and open space preserves stretches along the Orange County coastline from Newport Beach to Dana Point and from inland communities located west of Interstate 5 and the Orange County Toll Road to the coast.

The proposed authorization will permit the City of Laguna Beach to purchase 7.8 acres of open space for addition to the Aliso and Wood Canyons Wilderness Park (AWCP) in Orange County (Exhibit 2). The Domanskis property includes a ridgeline with broad ocean views. It possesses a section of trail connecting South Laguna neighborhoods along Pacific Coast Highway to AWCP and the larger SCW trail network that provides recreational access for the more than 600,000 residents of neighboring inland cities including Laguna Hills, Newport Beach, Irvine, Laguna Woods, Aliso Viejo and Laguna Niguel.

The property also features high quality coastal sage scrub and Southern Maritime Chaparral habitat, as well as several key watercourses. Coastal sage scrub habitat supports a range of important species, including federally threatened Coastal California gnatcatcher.

Southern Maritime Chaparral is a lesser-known, highly sensitive vegetation community that occurs in higher numbers on and around the Domanskis property than elsewhere in Laguna Beach. The plants of the chaparral create what is described as an “Elfin” forest, known in only 4 other Mediterranean climate regions in the world. The word chaparral comes from the Spanish word “chaparro,” which means “Shorty,” appropriate to this assemblage of miniature trees and shrubs. The plant community includes the rare ceanothus, mountain mahogany, summer holly, and bush rue; as well as black sage, buckwheat, coffeeberry, sagebrush, chamise, coyote bush, toyon and scrub oak. These species in turn support a wide range of wildlife, creating an immense array of biodiversity consistent with its place within the California Floristic Province, one of 25 global hotspots supporting the highest levels of biodiversity in the world (Center for Applied Biodiversity Science).

Land use and zoning regulations for the Domanskis property support construction of a single residential unit. The proposed expansion of the nearby South Coast Medical Center will likely bring additional development pressures.

A Conservancy-approved appraisal of the property estimates the Fair Market Value (FMV) of the property at \$700,000. The proposed authorization of \$706,000 includes \$700,000 for fee acquisition of the property and \$6,000 to cover the City’s estimated closing costs.

Relying on funds from a Conservancy acquisition-support grant, the Foundation processed the property documents and negotiated the purchase agreement with the seller. As with all previous SCW acquisitions, the Foundation will assign title to the City prior to escrow close. The City will lease the property to the County for management as part of AWCP.

Approximately \$1.8 million of Proposition 12 funds allocated to the Conservancy for SCW parks will be available for future acquisitions following completion of the proposed project. Staff anticipates bringing 2-4 additional acquisitions to the Board in the next 18 months, completing the expenditure of all of the Proposition 12 funds designated for the SCW.

Site Description: The Domanskis Property is located in the coastal zone on a South Laguna ridgeline overlooking the ocean and adjacent to City and County open space (Aliso and Wood Canyons Wilderness Park). The property features a trail within walking distance of the ocean, excellent coastal sage scrub habitat and several key watercourses.

Project History: Previous acquisitions have added critical linkages and habitat to the LCWP. Conservancy Proposition 12 grant funds expended to date for acquisition of ten properties (253 acres) total approximately \$8.6 million. Three separate grants to the Foundation for acquisition

support activities total \$346,000. Additionally the Conservancy awarded a \$295,440 grant to the Foundation for interpretive exhibits at the Nix Nature Center.

Properties Acquired to Date:

<i>Name</i>	<i>Price</i>	<i>Date</i>	<i>Acres Preserved</i>
1. Rossmoor	\$ 2,437,000	2002	10.6
2. Trinity	\$ 501,042	2004	36
3. Wainwright	\$ 300,700	2004	32
4. Decker	\$ 172,000	2006	12
5. Haun	\$ 586,043	2007	10
6. Jaysu	\$ 1,301,843	2007	29
7. Stonefield	\$ 952,500	2007	50
8. Chao	\$ 1,501,200	2007	58
9. SBD	\$ 175,000	2008	10.38
10. Bunn-Moore	\$ 675,000	2009	4.5
Subtotal	\$ 8,602,328	Total Preserved	252.48 acres

In addition to these Proposition 12 acquisitions, the City has expended more than 35 million dollars in the past thirty years to acquire 2,970 acres of open space for parks within the SCW.. The State and County have contributed another 30 million dollars to the creation and stewardship of the SCW system of parks and preserves. More than half a million residents and tourists annually visit the 20,000-acre park system.

PROJECT FINANCING

Coastal Conservancy

Fee Title Acquisition	700,000
Estimated Closing Costs	<u>6,000</u>
Total Project Costs	706,000

The expected source of Conservancy funds for the proposed project is a FY 2010/2011 reappropriation to the Conservancy of funds appropriated in accordance with the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12, Public Resources Code § 5096.300 et. seq.). These funds are available for acquisition of real property in coastal areas and watersheds for parks and resources improvements. Public Resources Code § 5096.352(g) specifically authorizes funds for

acquisition of land in the Laguna Coast Wilderness Park. Pursuant to Public Resources Code § 5096.3075, in the FY 2004/2005 Budget Act, the legislature reallocated these funds for projects in the South Coast Wilderness system of coastal canyons and watersheds in South Orange County, including the Aliso and Wood Canyons Wilderness Park. The proposed project would fund acquisition of a property to be managed as part of the Aliso and Wood Canyons Wilderness Park. Thus, the proposed project is an appropriate use of Proposition 12 funds.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is consistent with the Conservancy's enabling legislation, Division 21 of the Public Resources Code, specifically with Chapter 9 pertaining to public coastal access.

Under §31400, the Conservancy has a principal role in the implementation of a system of public accessways to and along the coast. The Conservancy's funding of the Domanskis acquisition is consistent with Chapter 9 because of the opportunities for trail connectivity to the coastline and to the thousands of acres of wilderness in the South Coast Wilderness regional system of parks and preserves.

Under §31400.1, the Conservancy may award grants to any public agency to acquire land for public access purposes to and along the coast if the Conservancy has determined that the access way will serve more than local public needs. As discussed in the project summary and site description, purchase of and permanent protection of the Domanskis property will not only provide coastal and wilderness access to local residents of Laguna Beach, but also to the more than 600,000 residents in the surrounding cities, which are connected to the properties through the South Coast Wilderness regional trail system, and to the many tourists who visit the region.

Under §31400.2, the Conservancy may provide up to the total cost of the acquisition of interests in land by a public agency, with the amount of funding determined by the total amount available for coastal access projects, the fiscal resources of the applicant, and the urgency of the project relative to other eligible projects. Consistent with this section, the amount of proposed Conservancy funding for the Domanskis property acquisition has been determined with an understanding of the estimated costs of acquiring additional properties for inclusion in the Laguna Coast and Aliso and Wood Canyons wilderness parks; the balance of Proposition 12 funds available to the Conservancy for South Coast Wilderness projects, the readiness of the seller relative to owners of other priority properties, and the financial limitations of the grantee.

Under §31400.3, the Conservancy may provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal access ways, and related functions necessary to meet the objectives of Division 21. Consistent with this section, the City of Laguna Beach and the LCF will use authorized funds to acquire a property necessary for the protection and enhancement of key trail links in a coastal wilderness park system.

Consistent with §31409, the proposed authorization for land acquisition will assist the City of Laguna Beach in expanding an inland trail system that will link to the California Coastal Trail.

**CONSISTENCY WITH CONSERVANCY'S 2007
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 1, Objective 1G** of the Conservancy's 2007 Strategic Plan, the proposed authorization will enable the City of Laguna Beach to secure a real property interest that will assist in expanding an inland trail system that will link to the California Coastal Trail.

Consistent with **Goal 4, Objective 4A**, the proposed authorization will enable the City to protect a significant coastal and watershed resource property.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** Laguna Greenbelt, Inc., LCF, the City of Laguna Beach, and the County of Orange support the project. See letters of support from the County of Orange and Laguna Greenbelt, Inc (Exhibit 3).
4. **Location:** The proposed project would be located within the coastal zone of the City of Laguna Beach.
5. **Need:** The City of Laguna Beach is unable to acquire the property without funds provided by the Conservancy. Absent the proposed acquisitions, the current property owner could pursue limited residential development consistent with the zoning.
6. **Greater-than-local interest:** As discussed in various sections above, acquisition of the Domanskis property will facilitate links to the broader South Coast Wilderness regional system of parks, preserves and trails serving multiple communities from south of Newport Beach to Dana Point.
7. **Sea level rise vulnerability:** The project site's vulnerability to sea level rise is low given its distance from the shoreline and elevation.

Additional Criteria

13. **Realization of prior Conservancy goals:** See "Project History" section above.

17. **Minimization of greenhouse gas emissions:** Acquisition in fee will eliminate the potential for residential development on the site and its associated emissions generated by site preparation, construction and use.

CONSISTENCY WITH THE COASTAL ACT

The proposed project is consistent with the Coastal Act. The Domanskis property is located in the coastal zone. The Coastal Act states that “maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with the public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.” Public Resources Code §30210. Public acquisition of the Domanskis property and management as part of the Aliso and Wood Canyons Wilderness Park will provide a coastal recreational experience by preserving an existing trail that offers views of the ocean and by linking coastal access trails to inland trails.

Section 30500(a) mandates that “[e]ach local government lying, in whole or in part, within the coastal zone shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction.” Consistent with this section, the City of Laguna Beach has a certified Local Coastal Program (LCP), and the proposed acquisition is consistent with this program as discussed in the next section.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed project is consistent with the City of Laguna Beach’s General Plan/Local Coastal Program (“GP/LCP”).

Topic 5, Parks, Policy 5B of the GP/LCP Open Space/Conservation (OS/C) Element calls for the City to support recreational use of open space lands, where environmentally feasible, with recreational access limited to passive activities such as nature trails and wildlife observation areas. Acquisition of the Domanskis property will permit preservation of the property for open space and will preserve an existing trail used for passive recreational opportunities.

Topic 6, Trails of the OS/C Element discusses the need to establish a network of trails throughout the City interconnecting with proposed and existing trails within the regional wilderness park system. Policy 6C calls for the City to pursue funding for the acquisition, development, operation and maintenance of a local trail system. Policy 6L calls for the City to provide public pedestrian access to Open Space/Recreation areas, except where it is inconsistent with public safety or protection of fragile coastal resources. Policy 6M calls for the trail network in hillside areas to be oriented to hiking or passive pedestrian recreational use. With Conservancy assistance, City ownership of the Domanskis property and management of the property according to the County’s General Development Plan for Orange County wilderness parks will preserve an existing pedestrian trail and allow for future regional trail connections and passive recreational opportunities in a manner consistent with the Plan’s intent to keep the Aliso and Wood Canyons Wilderness park in a natural condition.

Topic 7, Visual Resources, discusses preservation of the City's natural open space on the basis of its scenic quality as an issue of special importance to the community. Policy 7I calls for public acquisition and management of notable geologic features and vista sites. The Domanskis property features a ridgeline trail with expansive ocean views.

Topic 8, Vegetation and Wildlife Resources, Policy 8A calls for preservation of coastal canyon wilderness throughout the City. The Domanskis property is part of a coastal canyons system with high-value coastal sage scrub habitat.

COMPLIANCE WITH CEQA:

Acquisition of the Domanskis Property is exempt from the California Environmental Quality Act (CEQA) under 14 Cal. Code of Regulations §15325 in that the acquisition constitutes a transfer of ownership to preserve open space and habitat. The project also is exempt under §15316, which exempts conveyances to establish a park where the land is in a natural condition and the management plan has not been prepared, or calls for retaining the land in a natural condition. Here, the acquisition is intended as part of the Aliso and Wood Canyons Wilderness Park, and the County's General Development Plan for the AWCP proposes to keep the area in a natural condition. Staff will file a Notice of Exemption upon approval of the action.